

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TOBIN SATHER,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
DAN PACHOLKE, JAMES KEY,
THOMAS ORTH, JOHN DOE, JOHN
DOE,

Defendants.

CASE NO. 3:16-CV-05503-BHS-DWC

ORDER TO SHOW CAUSE

Plaintiff Tobin Sather initiated this action in the Thurston County Superior Court on March 1, 2016. *See* Dkt. 1-2. Defendants Washington State Department of Corrections, Dan Pacholke, James Key, Thomas Orth, and Sergeant Gray filed a Notice of Removal on June 20, 2016. Dkt. 1. Defendants John Doe 2 – 10 have not filed an answer, *see* Dkt. 1, 2, 6, and Plaintiff has not provided the Court with proof of service.

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service of the summons and complaint must be made upon a defendant within 90 days after the filing of the complaint.

1 Unless the plaintiff can show good cause for his failure to serve, the court shall dismiss the
2 action without prejudice as to that defendant or shall extend the time for service. Fed. R. Civ. P.
3 4(m).

4 This case was removed to this Court on June 20, 2016, Dkt.1, and therefore the 90 day
5 service period expired on September 19, 2016. As the time period for service has expired,
6 Plaintiff is ordered to show cause by November 2, 2016 why Defendants John Doe 2 – 10 should
7 not be dismissed from this action.

8 Dated this 3rd day of October, 2016.

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11 David W. Christel
12 United States Magistrate Judge
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